

Joint Standing Committee on Inland Fisheries and Wildlife

LD 158

An Act to Limit Agent Fees to the Number of Transactions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT DUNLAP	ONTP	

LD 158 proposed to limit the transaction fee that could be charged for the issuance of certain licenses or permits to \$2 per transaction, regardless of the number of licenses or permits being issued during that transaction.

LD 173

Resolve, Regarding the Condition and Operation of the Little River Dam RESOLVE 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-677

LD 173 proposed to require the Department of Inland Fisheries and Wildlife to construct a fishway on Little River Dam located near the Town of Scarborough and proposed to manage that dam in a manner that would not contribute to flooding in the Town of Old Orchard Beach.

Committee Amendment "A" (H-677) proposed to replace the bill with a resolve. It also proposed to require the Department of Inland Fisheries and Wildlife to monitor the dam on the Little River located near the Town of Scarborough for problems with flooding or with the effective operation of the dam's fishway and fish trap. The amendment proposed to require the Commissioner of Inland Fisheries and Wildlife to report back the department's finding along with any recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 1, 2006.

Enacted Law Summary

Resolve 2003, chapter 103 requires the Department of Inland Fisheries and Wildlife to monitor the dam on the Little River located near the Town of Scarborough for problems with flooding or with the effective operation of the dam's fishway and fish trap. The resolve requires the Commissioner of Inland Fisheries and Wildlife to report back the department's finding along with any recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 1, 2006.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 388

**An Act To Permit Small Game Hunting on Private Property on
Sunday in Unorganized Territory**

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN	OTP-AM MAJ	
BRYANT	ONTP MIN	

LD 388 proposed to allow the Department of Inland Fisheries and Wildlife to authorize a private landowner owning a continuous piece of property that was greater than 500 acres and located entirely within unorganized territory to open that property on Sunday to hunters with Sunday hunting permits. The Commissioner of Inland Fisheries and Wildlife could not authorize private property for Sunday hunting if the property owner did not keep that property open to hunting by the public. The commissioner could issue Sunday hunting permits to hunt rabbit and grouse on authorized private property during the regular open season. The commissioner could not authorize private property for Sunday hunting if that property adjoined certain public property. The proposed fee for a Sunday hunting permit was \$15.

The bill also proposed to set an effective date of January 1, 2004 and a repeal date of January 1, 2006.

Committee Amendment "A" (H-623), the majority report, proposed to replace the bill. The amendment proposed to allow Sunday hunting in wildlife management districts 1, 2, 4 and 5 for ruffed grouse, rabbit, squirrel and woodcock during the regular open season for those species. (not adopted)

This amendment proposed to set an effective date of January 1, 2005 and a repeal date of January 1, 2007.

LD 408

**An Act Regarding the Presumption of Violations of the Hunting-on-
Sunday Prohibition**

PUBLIC 511

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-625
KNEELAND		

LD 408 proposed to remove from the law language that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the Sunday hunting law. The bill also proposed to add an exception to the Sunday hunting prohibition to allow carrying of hunting equipment for protection while engaged in activities such as bear baiting.

Committee Amendment "A" (H-625) proposed to replace the bill. Like the bill, it proposed to remove the language from the law that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the Sunday-hunting law. Additionally, it proposed to repeal the law that makes possessing a loaded firearm on or near a public paved way prima facie evidence of hunting.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 511 repeals the provision of the law that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the Sunday-hunting laws. Public Law 2003, chapter 511 also repeals the provision of the law that makes possessing a loaded firearm on or near a public paved way or within the right-of-way of a controlled access highway prima facie evidence of hunting.

LD 446

An Act Regarding Bear Hunting

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	ONTP	

LD 446, a concept draft, proposed to amend the current law to make changes to the bear hunting seasons.

LD 827

An Act Regarding Wildlife Habitat Conservation

PUBLIC 619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP EDMONDS	OTP-AM MAJ ONTP MIN	H-799

LD 827 was carried over from the First Regular Session by the Joint Standing Committee on Inland Fisheries and Wildlife and rereferred jointly to the Joint Standing Committees on Taxation and Inland Fisheries and Wildlife. The bill proposed to allow the Commissioner of Inland Fisheries and Wildlife to enter into an agreement with a landowner to manage a parcel of land in the unorganized territory as wildlife habitat. An agreement could include a provision that exempted the parcel of land that is the subject of the agreement from the property tax. For a landowner who owns more than 1,000 acres in the unorganized territory, no more than 15% of that landowner's holdings in the unorganized territory could be the subject of an agreement to manage the land as wildlife habitat.

Committee Amendment “A” (H-799) proposed to replace the bill. It proposed to clarify the meaning of "wildlife habitat" for purposes of the farm and open space tax law and require assessors to consider whether there was a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

Enacted Law Summary

Public Law 2003, chapter 619 clarifies the meaning of “wildlife habitat” for purposes of the farm and open space tax law and requires assessors to consider whether there is a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 854 **An Act To Amend the Laws Governing the Operation of All-terrain Vehicles** **ONTP**

<u>Sponsor(s)</u> LANDRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-----------------------------	--	---------------------------------	--	---------------------------

LD 854 proposed to do the following:

1. Make certain civil violations involving ATVs Class E crimes;
2. Allow the impoundment of an ATV for certain violations based solely on those violations;
3. Increase the resident registration fee for ATVs to \$25, unless that person belonged to an ATV club or organization, in which case the fee would be \$20; and
4. Require the Commissioner of Inland Fisheries and Wildlife to appoint an additional game warden for each warden division of the State.

LD 1646 **Resolve, To Establish a Demonstration Project To Introduce Grass Carp to Inland Waters** **ONTP**

<u>Sponsor(s)</u> USHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
----------------------------	--	---------------------------------	--	---------------------------

LD 1646 proposed to direct the Commissioner of Inland Fisheries and Wildlife to design and implement a demonstration project to introduce grass carp into a test site within the inland waters of the State in order to study the effects of grass carp on milfoil.

LD 1658 **Resolve, Requiring the Department of Inland Fisheries and Wildlife To Publish Legal Shooting Times** **ONTP**

<u>Sponsor(s)</u> DUNLAP BRYANT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
---------------------------------------	--	---------------------------------	--	---------------------------

LD 1658 proposed to require the Department of Inland Fisheries and Wildlife to publish the legal shooting times for hunting in its annual publication of the hunting and trapping laws and rules.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1660 **An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling** **PUBLIC 527**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-679

LD 1660 proposed to clarify that the term “residential dwelling” includes livestock barns in the law that prohibits the discharging of a firearm within 100 yards of a dwelling.

Committee Amendment "A" (H-679) proposed to replace the bill and to prohibit a person from discharging a firearm within 100 yards of a farm building used for sheltering livestock, machines or harvested crops.

Enacted Law Summary

Public Law 2003, chapter 527 prohibits a person from discharging a firearm within 100 yards of a farm building used for sheltering livestock, machines or harvested crops.

LD 1662 **An Act To Strengthen the Prohibition against Night Hunting** **PUBLIC 592**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-692 H-762 DUNLAP

LD 1662 proposed to make possession of night vision equipment an aggravating factor in the determination of a sentence and fine for night hunting, doubling the current penalty and mandating forfeiture of all equipment associated with the violation.

Committee Amendment "A" (H-692) proposed to replace the bill. It proposed to double the mandatory minimum penalty for night hunting in cases where night vision equipment was involved. It also proposed to exempt night vision equipment seized in connection with a night hunting violation from libel proceedings and proposed to clarify that the current exemption from libel proceedings for fishing equipment seized in connection with certain fishing violations would not include motorboats or motor vehicles. Additionally, this amendment proposed to incorporate changes made by Public Law 2003, chapter 333 in order to incorporate those changes into the new Maine Revised Statutes, Title 12, Part 13. Finally, the amendment proposed to clarify that raccoons may be hunted at night during the open season.

House Amendment "A" to Committee Amendment "A" (H-762) proposed to provide that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court would impose a sentencing alternative of not less than 3 days for the first offense, none of which could be suspended. It would also require that the court impose a fine of not less than \$2,000, none of which could be suspended. The amendment also proposed that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife

Joint Standing Committee on Inland Fisheries and Wildlife

laws commits a Class D crime for which the court would impose a sentencing alternative of not less than 6 days for the first offense, none of could be suspended, and of not less than 10 days for each succeeding offense, none of which could be suspended. This amendment would also require the court to impose a fine of not less than \$2,000, none of could be suspended.

Additionally, the amendment proposed that a hunting license of a person who is guilty of night hunting and found to have been in possession of night vision equipment at the time of the offense must be revoked, and that person would be ineligible to obtain a hunting license for a period of 5 years from the date of conviction.

Finally, the amendment proposed to change the definition of "night vision equipment" provided in the bill.

Enacted Law Summary

Public Law 2003, chapter 592 does the following:

1. It provides that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended. It also provides that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife laws commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended;
2. It requires the hunting license of a person who is convicted of night hunting and found to have been in possession of night vision equipment at the time of the offense be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction;
3. It exempts night vision equipment seized in connection with a night hunting violation from libel proceedings;
4. It clarifies that the current exemption from libel proceedings for fishing equipment seized in connection with certain fishing violations does not include motorboats or motor vehicles;
5. It incorporates changes made by Public Law 2003, chapter 333 in order to incorporate those changes into the new Maine Revised Statutes, Title 12, Part 13; and
6. It clarifies that raccoons may be hunted at night during the open season.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1675

An Act To Reestablish the Great Ponds Act

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	ONTP MAJ	
DAMON	OTP MIN	

LD 1675 proposed to establish a process for the review of recommendations submitted to the Commissioner of Inland Fisheries and Wildlife by a municipality or the Maine Land Use Regulation Commission to restrict the use of watercraft on great ponds within the jurisdiction of that municipality or the Maine Land Use Regulation Commission.

House Amendment "A" (H-876) proposed to make the following changes to the bill:

1. Require that nonresident taxpayers have notice of recommendations for regulation and that such nonresident taxpayers be afforded an opportunity to comment on those recommendations at a public forum;
2. Clarify that recommendations for regulation include limits on horsepower, vessel draft and type of watercraft and may apply to limited sections of the affected water body;
3. Authorize the Maine Land Use Regulation Commission to take into consideration, when assessing wildlife habitat and environmental values, any demonstration of threat to wildlife habitat not addressed by current law;
4. Strike that section of the bill that would enact a section of law that will be repealed as a result of Public Law 2003, chapter 414;
5. Establish an effective date of April 1, 2005 for that section of this legislation that would establish the process for review of recommendations regarding the restriction of watercraft on great ponds; and
6. Direct the Department of Inland Fisheries and Wildlife and the Office of Policy and Legal Analysis to develop an informational packet for municipalities to aid them in implementing the process that would be established for regulating watercraft on great ponds.

LD 1697

**An Act To Clarify Certain Provisions Contained in the Recodified
Hunting, Fishing and Trapping Laws**

PUBLIC 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM	H-729 DUNLAP
DUNLAP		S-388

LD 1697 proposed to clarify certain parts of the recently recodified Maine Revised Statutes, Title 12 regarding moose permits and sentencing guidelines for permit violations. It proposed to clarify the number of turkeys a person may harvest during a turkey hunting season and penalties for violations. It also proposed to define "dipnet."

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (S-388) proposed to do the following:

1. Make hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;
2. Make the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;
3. Make the penalty for a violation of the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;
4. Clarify that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;
5. Prohibit a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;
6. Restructure the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions; and
7. Change the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime.

House Amendment "A" to Committee Amendment "A" (H-729) proposed to clarify current law that a person may keep more than one legally obtained bear, deer or wild turkey in that person's home at any time.

Enacted Law Summary

Public Law 2003, chapter 552 clarifies certain parts of the recently recodified Maine Revised Statutes, Title 12 as follows:

1. It defines "dipnet;"
2. It clarifies that a person may not hunt wild turkey after having killed or registered one during an open turkey season of that calendar year;
3. It makes hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;
4. It authorizes the Commissioner of Inland Fisheries and Wildlife to establish legal hunting times for wild turkey by rule;
5. It makes the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;
6. It makes the penalty for violating the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;

Joint Standing Committee on Inland Fisheries and Wildlife

7. It clarifies that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;
8. It prohibits a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;
9. It restructures the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions;
10. It changes the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime;
11. It clarifies current law that a person may keep more than one legally obtained bear, deer or wild turkey in that person's home at any time;
12. It reduces the penalty for certain moose hunting violations regarding permittees and subpermittees from a Class D crime to a Class E crime; and
13. It repeals certain provisions of the recodified Maine Revised Statutes, Title 12 to reflect changes enacted in Public Law 2003, chapter 655.

LD 1708

An Act Regarding the Operation of All-terrain Vehicles on Private Roads

ONTP

Sponsor(s)
GAGNON
CLARK

Committee Report
ONTP

Amendments Adopted

LD 1708 proposed to permit a landowner to:

1. Require that an operator of an ATV on a private road be a licensed driver;
2. Require that an operator of an ATV on a private road obey all the applicable rules of the road that other motor vehicles on that private road must obey, including, but not limited to, speed limits, rules governing lane usage and rules governing yielding the right-of-way; and
3. Place restrictions on the number of ATVs that may travel together in a group and the distance that groups must maintain between one another.

It also proposed to provide that if a landowner prohibits the operation of ATVs on a private road that landowner also must prohibit the operation of similar recreational vehicles on that private road.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1743

An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws

**PUBLIC 614
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-781 H-834 DUNLAP S-464 BRYANT

LD 1743 proposed to make the following changes to the laws governing inland fisheries and wildlife:

1. Restrict the muzzle-loading open season on deer to hunting with a muzzle-loading firearm that is 40 caliber or greater and capable of firing only a single charge;
2. Repeal the provision that authorizes hunting deer with unconventional weapons;
3. Specify that the requirement that bait or baitfish be sold in biodegradable containers takes effect beginning January 1, 2005; and
4. Clarify that a new lake and river protection sticker must be obtained annually in order to be valid.

Committee Amendment "A" (H-781) proposed to prohibit the operation of motor vehicles on Pickerel Pond located in Township 32 Middle Division except for authorized emergency vehicles and motor vehicles of the Department of Inland Fisheries and Wildlife. It proposed to allow the sale of baitfish in containers composed in whole or in part of polystyrene foam plastic. Additionally, it proposed to change the effective date for Public Law 2003, chapter 414 from 90 days after adjournment of the Second Regular Session of the 121st Legislature to August 31, 2004. Finally, the amendment proposed to add an emergency preamble and emergency clause to the bill that would make it effective upon approval.

House Amendment "A" (H-834) proposed to provide that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are not public records.

Senate Amendment "A" (S-480) proposed to provide that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are not public records. (not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-464) proposed to make Public Law 2003, chapter 511 effective on August 31, 2004.

Enacted Law Summary

Public Law 2003, chapter 614 makes the following changes to the laws governing inland fisheries and wildlife:

1. It restricts the muzzle-loading open season on deer to hunting with a muzzle-loading firearm that is 40 caliber or greater and capable of firing only a single charge;
2. It repeals the provision that authorizes hunting deer with unconventional weapons;

Joint Standing Committee on Inland Fisheries and Wildlife

3. It clarifies that a new lake and river protection sticker must be obtained annually in order to be valid;
4. It prohibits the operation of motor vehicles on Pickerel Pond located in Township 32 Middle Division except for authorized emergency vehicles and motor vehicles of the Department of Inland Fisheries and Wildlife;
5. It permits the sale of baitfish in containers composed in whole or in part of polystyrene foam plastic;
6. It changes the effective date for Public Law 2003, chapter 414 from 90 days after adjournment of the Second Regular Session of the 121st Legislature to August 31, 2004;
7. It provides that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are not public records; and
8. It makes Public Law 2003, chapter 511 effective on August 31, 2004.

Public Law 2003, chapter 614 was enacted as an emergency measure effective April 12, 2004.

LD 1774 **Resolve, To Increase the Types of Legal Fishing on Fish River** **ONTP**

<u>Sponsor(s)</u> JACKSON BRYANT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
--	---------------------------------	---------------------------

LD 1774 proposed to direct the Department of Inland Fisheries and Wildlife to adopt rules allowing fly fishing and the use of artificial lures and single-baited hooks for fishing in Fish River in the Town of Fort Kent.

LD 1796 **An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits in High-accident Areas** **ONTP**

<u>Sponsor(s)</u> PARADIS BRYANT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
--	---------------------------------	---------------------------

LD 1796 proposed to give the Commissioner of Inland Fisheries and Wildlife the authority to forgo the rule-making procedure when responding to the need to increase the moose harvest due to an increase in moose-related vehicle accidents.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1842

**An Act To Remove the Designation of the Lake Christopher
Wildlife Management Area as a Wildlife Management Area**

PUBLIC 587

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT GAGNE-FRIEL	OTP	

LD 1842 proposed to remove the Lake Christopher wildlife management area from the list of areas that are classified as wildlife management areas.

House Amendment "A" (H-760) proposed to remove the Peaks Island wildlife management area from the list of areas that are classified as state-owned wildlife management areas.

Enacted Law Summary

Public Law 2003, chapter 587 removes the Lake Christopher wildlife management area from the list of areas that are classified as wildlife management areas.

LD 1912

**An Act To Implement Certain Recommendations of the Governor's
Task Force on ATV Issues**

**PUBLIC 695
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANDRY BRYANT	OTP-AM	H-881 S-509 BRYANT

LD 1912 included the recommendations of the Governor's task force on ATV issues. It proposed specific statutory language for one recommendation regarding landowner permission for operating an ATV on the land of another. The bill also proposed to authorize the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation to the Second Special Session of the 121st Legislature to accomplish one or more of the other recommendations of the task force, which were listed in the bill in concept form.

Committee Amendment "A" (H-881) proposed to replace the bill. This amendment proposed to accomplish, with some refinement, a number of the recommendations of the Governor's task force on ATV issues.

1. It proposed to broaden the purpose of the ATV Recreational Management Fund to allow for purchase or lease of real estate and acquisition of easements for ATV trails or sport-riding facility acquisition and permit its use for grants-in-aid to organizations for the purchase of ATV-related equipment.
2. It proposed to create an ATV law enforcement grant program to make enforcement grants to the warden service as well as to other enforcement agencies and to dedicate the Department of Inland Fisheries and Wildlife's ATV gas tax revenues under the Maine Revised Statutes, Title 36, section 2903-D to the ATV law enforcement grant program. It proposed to authorize the program to accept and disburse donated materials and equipment.

Joint Standing Committee on Inland Fisheries and Wildlife

3. It proposed to increase the penalty for failure of an ATV operator to stop for a law enforcement officer to a Class D crime with a mandatory \$1,000 fine. It proposed to provide that attempting to elude a law enforcement officer is subject to the same penalties.
4. It proposed to require the suspension of all licenses and permits issued by the Department of Inland Fisheries and Wildlife and allow suspension of registrations issued by the department for certain violations of ATV laws (operating an ATV on a temporarily closed trail, abuse of another person's property, operating under the influence under 21 years of age, operating to endanger, reckless operation, operating on land of another without permission, failure to stop or attempting to elude an officer) and proposed to require the violator to complete mandatory training in order to have the suspension lifted.
5. It proposed to change the law regarding payment of sales and use tax on ATV purchases by nonresidents to parallel provisions relating to snowmobiles: it proposed to eliminate the requirement that non-residents pay a sales and use tax (currently they must pay a tax if they use the ATV in the State for more than 30 days in any 12 month period).
6. Current law is ambiguous as to the areas where children under 10 years of age or unaccompanied children under 16 years of age who have not completed required training may operate an ATV; the bill proposed to clarify the law and to add safety-training sites to the list of areas where operation by such children is permitted. Specifically it proposed to provide that a child under 10 years of age or an unaccompanied child under 16 years of age who has not completed required training may operate an ATV only on land on which the child is domiciled, land owned or leased by the child's parent or guardian or in a safety-training site approved by the department.
7. It proposed to prohibit snorkel kits and similar kits designed to allow ATV use in deep water, except at racing events. Violation of this provision would be a civil violation subject to a \$100 to \$500 fine.
8. It proposed to require a parent or guardian to attend ATV training with children under 16 years of age.
9. It proposed to require visible identification on both the front and rear of all ATVs in the form of a sticker. Violation of this provision would be a civil violation subject to a \$100 to \$500 fine.
10. It proposed to establish a legislative finding that abusive use of ATVs places access to private property for recreation at risk.
11. It proposed to prohibit operating an ATV on the land of another without the permission of the landowner or lessee. It proposed to create a presumption of permission on posted ATV trails and land open to ATVs by landowner policy. It proposed to require written permission on cropland, pastureland and orchard (currently written permission is required on cropland and pastureland only).
12. It proposed to repeal the law providing for a special 15-month registration fee; it proposed to provide that registrations issued prior to July 1st (the beginning of the normal registration period) but after May 1st would be valid from the date of issuance through June 31st of the following year.
13. It proposed to prohibit operation of an ATV on a portion of trail posted as temporarily closed. Violation of this provision would be a civil violation subject to a \$100 to \$500 fine.
14. It proposed to change the maximum allowable ATV sound level to 96 decibels in a 20-inch test, to reflect national standards.

Joint Standing Committee on Inland Fisheries and Wildlife

15. It proposed to add rivers, brooks, streams, great ponds, nonforested wetlands, vernal pools and source water protection areas of public drinking water supplies to the list of areas where ATV operation is prohibited when the ground is not frozen. It proposed to provide exceptions for designated trails and for certain maintenance and inspection activities and for governmental officials performing their duties provided certain conditions are met.
16. It proposed to add destruction of signs and posted notices to the current provision prohibiting abuse of another person's property by an ATV operator.

Senate Amendment "A" to Committee Amendment "A" (S-509) proposed to add an emergency preamble and emergency clause to the amendment. It proposed to make the provisions of the bill relating to ATV trail closures effective upon approval. It proposed to change the effective date of the remaining sections to August 31, 2004 to coincide with the effective date of the recodification of the fish and wildlife laws.

Enacted Law Summary

Public Law 2003, chapter 695 accomplishes, with some refinement, many of the recommendations of the Governor's task force on ATV issues.

1. It broadens the purpose of the ATV Recreational Management Fund to allow for purchase or lease of real estate and acquisition of easements for ATV trails or sport-riding facility acquisition and permits its use for grants-in-aid to organizations for the purchase of ATV-related equipment.
2. It creates an ATV law enforcement grant program to make enforcement grants to the warden service as well as to other enforcement agencies and dedicates the Department of Inland Fisheries and Wildlife's ATV gas tax revenues under the Maine Revised Statutes, Title 36, section 2903-D to the ATV law enforcement grant program. It authorizes the program to accept and disburse donated materials and equipment.
3. It increases the penalty for failure of an ATV operator to stop for a law enforcement officer to a Class D crime with a mandatory \$1,000 fine. It provides that attempting to elude a law enforcement officer is subject to the same penalties.
4. It requires the suspension of all licenses and permits issued by the Department of Inland Fisheries and Wildlife and allows suspension of registrations issued by the department for certain violations of ATV laws (operating an ATV on a temporarily closed trail, abuse of another person's property, operating under the influence under 21 years of age, operating to endanger, reckless operation, operating on land of another without permission, failure to stop or attempting to elude an officer). It requires the violator to complete mandatory training in order to have the suspension lifted.
5. It changes the law regarding payment of sales and use tax on ATV purchases by nonresidents to parallel the law relating to snowmobiles: it eliminates the requirement that non-residents pay a sales and use tax (currently they must pay the tax if they use the ATV in the State for more than 30 days in any 12 month period).
6. Current law is ambiguous as to the areas where children under 10 years of age or unaccompanied children under 16 years of age who have not completed required training may operate an ATV; Public Law 2003, chapter 695 clarifies the law and adds safety-training sites to the list of areas where operation by such children is permitted. Specifically it provides that a child under 10 years of age or an unaccompanied child under 16 years of age who has not completed required training may operate an ATV only on land on which the child is

Joint Standing Committee on Inland Fisheries and Wildlife

domiciled, land owned or leased by the child's parent or guardian or in a safety-training site approved by the department.

7. It prohibits snorkel kits and similar kits designed to allow ATV use in deep water, except at racing events. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
8. It requires a parent or guardian to attend ATV training with children under 16 years of age.
9. It requires visible identification on both the front and rear of all ATVs in the form of a sticker. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
10. It establishes a legislative finding that abusive use of ATVs places access to private property for recreation at risk.
11. It prohibits operating an ATV on the land of another without the permission of the landowner or lessee. It creates a presumption of permission on posted ATV trails and on land open to ATVs by landowner policy. It requires written permission on cropland, pastureland and orchard (currently written permission is required on cropland and pastureland only).
12. It repeals the law providing for a special 15-month registration fee; it provides that registrations issued prior to July 1st (the beginning of the normal registration period) but after May 1st are valid from the date of issuance through June 31st of the following year.
13. It prohibits operation of an ATV on a portion of trail posted as temporarily closed. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
14. It changes the maximum allowable ATV sound level to 96 decibels in a 20-inch test, to reflect national standards.
15. It adds rivers, brooks, streams, great ponds, nonforested wetlands, vernal pools and source water protection areas of public drinking water supplies to the list of areas where ATV operation is prohibited when the ground is not frozen. It provides exceptions for designated trails and for certain maintenance and inspection activities and for governmental officials performing their duties provided certain conditions are met.
16. It adds destruction of signs and posted notices to the current provision prohibiting abuse of another person's property by an ATV operator.

Public Law 2003, chapter 695 was enacted as an emergency measure effective May 7, 2004. Only the portion of the law relating to temporary closures of ATV trails takes effect on that date. All other portions of the law have an effective date of August 31, the date the recodification of the fisheries and wildlife laws take effect.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1920

An Act To Revise the Fish and Wildlife Laws To Complement the Recodification of Those Laws

PUBLIC 655

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-858 H-915 DUNLAP

LD 1920 proposed to complement the Recodification of the laws relating to the Department of Fisheries and Wildlife accomplished in the First Regular Session of the 121st Legislature. The bill proposed to make various changes to ensure consistency in those laws, bring penalty provisions into compliance with current drafting standards and otherwise increase the clarity of those laws. The bill also proposed to make the various substantive changes to address issues, mainly ambiguities and inconsistencies in the law, identified during the Recodification process.

Committee Amendment "A" (H-858) proposed to amend the bill to make it effective on August 31, 2004. The Recodification was originally to take effect 90 days after the adjournment of the 2nd Regular Session; this was changed by Public Law 2003, chapter 614 to August 31, 2004. This amendment proposed to make this bill effective at the same time as the Recodification.

House Amendment "A" to Committee Amendment "A" (H-915) proposed to incorporate changes to the Recodification enacted during the 2nd Regular and 2nd Special Sessions to avoid conflicts between those laws and this bill. It also proposed to make the following changes:

1. Allow a person on a hunting trip in an unorganized township and staying at a temporary place of lodging to keep an unregistered bear, deer, moose or wild turkey at the temporary place of lodging for up to 7 days or until that person leaves the woods, whichever comes first. Additionally, it would require that an unregistered bear, deer, moose or wild turkey be transported in open view until the animal is registered. The amendment would define "open view" to mean that the animal can be readily observed in whole or in part from outside of the vehicle or trailer being used to transport the animal;
3. Amend the Maine Revised Statutes, Title 12, section 10502, subsection 2, dealing with property exempt from libel proceedings, to clarify that the exempt property is forfeited to the State upon conviction or adjudication of a violation under Title 12, section 10502, subsection 2.
4. Correct the standard fee for the resident combination hunting and fishing license to make it consistent with the current fee established under Title 12, section 7101;
5. Add an effective date the laws enacted during the 2nd Regular and 2nd Special Sessions that made changes to the Recodification (Public Law 2003, chapters 527, 552, 573, 587 and 592) so that those changes take effect on the same date as this bill (August 31, 2004);
6. Add an emergency preamble and emergency clause to the bill and make clarifications enacted by Public Law, Chapter 614 regarding lake and river protection sticker requirements effective upon approval of this Act (all other proportions would remain effective on August 31, 2004).

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 655 complements the Recodification of the laws relating to the Department of Inland Fisheries and Wildlife accomplished in the First Regular Session of the 121st Legislature: Public Law 2003, chapter 414. That Recodification also directed the Department of Inland Fisheries and Wildlife to work with the Office of Policy and Legal Analysis to develop recommendations to address legal ambiguities and other issues identified by the Office of Policy and Legal Analysis in its work on the Recodification that could not be addressed in Recodification and to submit a bill to the 2nd Regular Session of the 121st Legislature to resolve those issues. Public Law 2003, chapter 655 is the result of that work. Public Law 2003, chapter 655:

1. Resolves legal and substantive ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife in areas including but not limited to definitions, the duties and powers of the Commissioner of Inland Fisheries and Wildlife, the operating and financial affairs of the Department of Inland Fisheries and Wildlife, wardens, enforcement, licenses, hunting, trapping, commercial shooting areas, fishing, bait dealers, taxidermy, guides and trip leaders, whitewater rafting, wildlife importation, nuisance wildlife, wildlife sanctuaries, fish management, watercraft, snowmobiles and ATVs;
2. Resolves penalty ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife and brings penalty provisions into compliance with current drafting standards and the requirements of the Maine Criminal Justice Information System (i.e., all prohibited acts drafted so that each sanctionable offense is in its own discreet provision with its own discreet penalty provision);
3. Makes technical changes to further increase clarity and readability; and
4. Amends the effective date of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature that affect the recodified laws (Public Law 2003, chapters 527, 552, 573, 587 and 592) to make these effective on the same date as the Recodification. The Recodification originally had an effective date of 90 days after the adjournment of Second Regular Session of the 121st Legislature, however, the Legislature adjourned on January 30, 2004 ending the Second Regular Session earlier than anticipated necessitating a change to the effective date of the Recodification to avoid conflicts and unintended consequences. Public Law 2003, chapter 614 changed the effective date of the Recodification to August 31, 2004.

Public Law 2003, chapter 655 was enacted as an emergency. Those portions of Public Law 2003, chapter 655 that amended the effective dates of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature took effect on April 22, 2004. All other provisions of Public Law 2003, chapter 655 have an effective date of August 31, 2004.

LD 1932

An Act To Establish Family Fishing Days

**PUBLIC 662
EMERGENCY**

Sponsor(s)
DAVIS P

Committee Report
OTP-AM

Amendments Adopted
S-485

LD 1932 proposed to create a free fishing weekend for Mother's Day that would mirror the free fishing weekend for Father's Day.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (S-485) proposed to replace the bill and the title of the bill. It proposed to establish "Family Fishing Days" as free fishing days and proposed to repeal the language making Father's Day weekend a free fishing weekend.

Enacted Law Summary

Public Law 2003, chapter 662 creates "Family Fishing Days" as free fishing days and repeals the provision of law that makes Father's Day weekend a free fishing weekend.

Public Law 2003, chapter 662 was enacted as an emergency measure effective April 22, 2004.

LD 1938

An Act Prohibiting Certain Bear Hunting Practices

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 1938 is an initiated bill and proposed to prohibit the use of bait to hunt or attract bear, the use of a dog to hunt or pursue bear and the use or setting of a trap to hunt or capture bear except under certain circumstances. It proposed to allow the use of bait, a dog or a trap for certain scientific purposes or if undertaken by state or federal employees to kill or capture a specific animal that threatened livestock, domestic animals, threatened or endangered wildlife, property or public safety. The bill also proposed to allow baiting if used in conjunction with the operation of a feeding station for bear by owners or operators of commercial timberland or their employees in order to prevent damage to commercial timberland.

LD INDEX

LD 158.....	1	LD 1675	7
LD 173.....	1	LD 1697	7
LD 388.....	2	LD 1708	9
LD 408.....	2	LD 1743	10
LD 446.....	3	LD 1774	11
LD 827.....	3	LD 1796	11
LD 854.....	4	LD 1842	12
LD 1646.....	4	LD 1912	12
LD 1658.....	4	LD 1920	16
LD 1660.....	5	LD 1932	17
LD 1662.....	5	LD 1938	18